



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,138	11/28/2001	Yung-Chih Lin	B-4402 619348-7	3415
36716	7590	03/11/2005	EXAMINER	
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			GIANOLA, JOHN F	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/997,138	Applicant(s) LIN, YUNG-CHIH	
	Examiner John F Gianola	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed inventions, respectively, are directed to non-statutory subject matter. Claims 1-11 are directed towards "A virtual email server system to allow at least one PDA to receive email." Per the Manual of Patenting Procedure (MPEP) 2106, functional descriptive material becomes statutory when it "...is recorded on some computer-readable medium..." Computer code alone constitutes "functional descriptive material" and as such, is not statutory subject matter. The inventions in these two claims are directed towards a computer program that "allow[s]" a PDA to receive email, not functional descriptive material that is interrelated to a medium. As such, these claims disclose non-statutory inventions.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 rejected under 35 U.S.C. 102(b) as being anticipated by David Pogue "PalmPilot: The Ultimate Guide" (see attached Notice of References Cited).

5. As to Claim 1:

a database (see page 434, paragraph 4, lines 2-3; page 440, paragraphs 3 and 4);

a pre-process agent for receiving a signal to query identity information for the last message in the database (see page 437, paragraph 4), and output the identity information, receiving an internally formatted message and storing the internally formatted message to the database (see page 434, paragraph 4, and page 440, paragraphs 3 and 4), and fetching the internally formatted message from the database and sending the internally formatted message to the PDA through a network when receiving a message receiving signal from the PDA (see page 434, paragraphs 3 and 4 as well as paragraph 6, lines 1 and 2);

a mail agent for outputting the query signal, receiving the identity information and checking the incoming message server according to the identity information, and receiving a new message received after the last message from the incoming message server and forwarding the new message (see page 434, paragraphs 3 and 4); and

a content converter agent for receiving the new message forwarded from the mail agent, transforming the new message into the internally formatted message, and outputting the internally formatted message (see page 435, paragraph 4).

6. As to Claim 2:

A schedule agent for setting a schedule and outputting a startup signal when the schedule is implemented (see page 434, paragraph 7).

7. As to Claim 3:

Wherein the mail agent further receives the startup signal and outputs the query signal based thereon (see page 434, paragraph 6, lines 1-2).

8. As to Claim 4:

Wherein the schedule can be set by a computer couple with the schedule agent through the Internet (see page 168, paragraph 5).

9. As to Claim 5:

Wherein the schedule can be set by the PDA coupled with the schedule agent through a wireless network (see page 434, paragraph 7).

10. As to Claim 6:

Wherein the mail agent outputs the query signal after a predetermined time interval (see page 434, paragraph 7).

11. As to Claim 7:

Wherein the predetermined time interval can be set by a computer through the Internet (see page 168, paragraph 5).

12. As to Claim 8:

Wherein the predetermined time interval can be set by the PDA through a wireless network (see page 434, paragraph 7).

13. As to Claim 9:

Wherein the internally formatted message has a format recognized by the PDA (see page 434, paragraph 5 and page 436, paragraph 4).

14. As to Claim 10:

An outgoing message server coupled with the mail agent (see page 440, paragraphs 1 and 2).

15. As to Claim 11:

Wherein the PDA sends a new edited message to the mail agent (see page 434, paragraph 4) through a wireless network (see page 431, paragraph 2, line 2) and then the mail agent sends the new edited message to the outgoing message server (see page 434, paragraph 4).

16. As to Claim 12:

An outgoing message server (see page 434, paragraph 4; and page 440, paragraphs 1 and 2);

An incoming message server (see page 434, paragraph 4; and page 440, paragraphs 3 and 4) ; and

A virtual server, comprising:

A database (a database of email data is implied on page page 440, paragraph 4);

A pre-process agent to receive a signal querying identity information for the last message in the database and output the identity information (see page 437, paragraph 4), receive an internally formatted message and store the internally formatted message to the database (see page 440, paragraph 4), fetch the internally formatted message from the database and output the internally formatted message when receiving a message receiving signal (see page 434, paragraph 4);

A mail agent for outputting the query signal after a predetermined time interval (see page 434 paragraph 7), receiving the identity information and checking and receiving at least one new message in the incoming message server according to the forwarding the new message, and receiving and sending the new edited message server (see page 434, paragraphs 3 and 4);

A content converter agent for receiving the new message forwarded from the mail agent, transforming the new message into the internally formatted message, and outputting the internally formatted message (see page 434, paragraph 5);
and

A PDA coupled to the virtual server through a wireless network to output the message receiving signal, receive the internally formatted message, and send the new edited message (see page 431, paragraph 2).

17. As to Claim 13:

Wherein the virtual server further comprises a schedule agent for setting a schedule (see page 434, paragraph 7), and outputting a startup signal when the schedule is implemented (see page 434, paragraph 6, line 3).

18. As to Claim 14:

Wherein the mail agent further receives the startup signal and outputs the query signal based thereon (see page 434, paragraph 6, line 3 and paragraph 2, lines 1-2 and paragraph 3, line 1).

19. As to Claim 15:

Wherein the schedule can be set by a computer coupled with the schedule agent though the Internet (see page 168, paragraph 5).

20. As to Claim 16:

Wherein the schedule can be set by the PDA coupled with the schedule agent through a wireless network (see page 434, paragraph 7).

21. As to Claim 17:

Wherein the predetermined time interval can be set by a computer through the Internet (see page 168, paragraph 5).

22. As to Claim 18:

Wherein the predetermined time interval can be set by the PDA through a wireless network (see page 434, paragraph 7).

23. As to Claim 19:

Wherein the internally formatted message has a format recognized by the PDA (see page 434, paragraph 5 and page 436, paragraph 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F Gianola whose telephone number is (571)272-3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

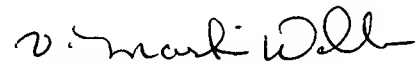
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached at (571)272-6159. The fax phone

Art Unit: 2145

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfg


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700

Application/Control Number: 09/997,138
Art Unit: 2145

Page 10